

Misbranding was alleged for the reason that the statement on the cans, "Ether U. S. P.," was false and misleading when applied to ether containing peroxide.

On June 11, 1931, Merck & Co. (Inc.), Rahway, N. J., having withdrawn claim and answer filed in the case, and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the one hundred and seven 1-pound cans and thirty-five 5-pound cans of the product which had been seized by the marshal be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18479. Misbranding of Arex. U. S. v. 1 10/12 Dozen Boxes of Arex. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26006. I. S. No. 15895. S. No. 4280.)

Examination of a drug product, known as Arex, from the shipment herein described having shown that the box label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On March 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1 10/12 dozen boxes of Arex, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Arex Products Corporation, from Brooklyn, N. Y., on or about June 9, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained aspirin, caffeine, charcoal, a bismuth compound, cornstarch, and talc.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin box) "Ends Pain * * * Quick relief for headaches * * * grippe, influenza, rheumatism, sciatica, lumbago, neuralgia, neuritis, all aches and pains;" (circular) "Ends Pain * * * Headaches * * * relieves severe headaches almost at once without bad after effects. * * * In case of migraine or habitual headaches * * * until complete relief is obtained. * * * Grippe * * * assists in checking the progress, aids in controlling the fever, relieves the pain, and assures undisturbed sleep, * * * until completely relieved. Influenza * * * assists in the elimination of poisons and in the control of the fever, relieves pains and aches of head and body, insuring refreshing and undisturbed sleep. * * * In absence of medical attendance take 2 * * * Tablets * * * until completely recovered; * * * Painful Menstruation * * * gives relief. * * * Rheumatism, Gout, Sciatica, Lumbago, Neuritis, Neuralgia, Aches, and Pains. One of the highly important effects of * * * is the neutralization of poisonous acids in the system thus assisting in the removal of the causes of Rheumatism and kindred ailments. * * * should be permitted not only to relieve but it should be given ample opportunity to remove the cause of pain."

On June 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18480. Adulteration and misbranding of ether. U. S. v. Forty 1-Pound Cans of Ether. Default decree of condemnation and sale. (F. & D. No. 25867. I. S. No. 20552. S. No. 4104.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On February 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of forty 1-pound cans of ether at Akron, Ohio, alleging that the article had been shipped by Merck & Co., Rahway, N. J., on or about May 26, 1930, and